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February 21, 1985

FEDERAL EXPRESS

Stephen R. Wassersug
Director Hazardous Waste
Management Division
United States Environmental
Protection Agency
Region III
Sixth and Walnut Streets
Philadelphia, PA 19106

RECEIVED
HAZARDOUS WASTE

FEB 22 1985

EPA - Region III

RE: WV Ordinance Work Disposal Areas

Dear Mr. Wassersug:

This is in response to your letter dated January 24, 1985 to John R. Snider, Executive Vice President, Morgantown Industrial Park, Inc. requesting that he notify you of the nature and extent of the corrective measures Morgantown Industrial Park, Inc. (MIP) was willing to undertake at the Ordinance Works Disposal Areas.

As the EPA is aware, MIP already has spent over \$100,000 to remove PCB's from one of the Ordinance Works Disposal Areas (the drum storage area). It took this action to prevent a further known release of hazardous substances into the environment, not because it believed it was in any way a responsible party under Section 107 of CERCLA. 42 U.S.C. § 9607.

Any hazardous waste which may have been released or of which there is a threat of a release at the Ordinance Works Disposal Areas was caused solely by parties other than MIP. In fact, MIP intends to file a claim against responsible parties or to seek reimbursement from the Hazardous Substance Response Fund for the monies it has already expended in removing hazardous wastes from the drum storage area.

AR200369

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If there are any hazardous substances being released at the Ordnance Works Disposal Areas, MIP is interested in seeing that they are removed by EPA or the properly responsible parties. However, as a result of the removal of PCB's and PCB contaminated soil at the Ordnance Works Disposal Areas, MIP does not believe there is sufficient information to warrant a finding by EPA that there is currently a release and/or threatened release of hazardous substances to the environment from the Ordnance Works Disposal Areas or that this release may constitute an imminent and substantial endangerment to the public, health, welfare or the environment. MIP has been bombarded by conflicting reports from EPA and its contractors in this regard. Therefore, we would appreciate receiving the following information from you:

- (a) A statement of all the facts and the rationale upon which EPA relies for its conclusion that hazardous substances are currently being released into the environment at the Ordnance Works Disposal Areas, including an identification of each such hazardous substance, the quantities in which it has been detected and where on the site it has been detected;
- (b) A statement of all of the facts upon which EPA relies for its conclusion that the asserted release may constitute an imminent and substantial endangerment to the public, health, welfare or the environment;
- (c) A specific description of what property EPA is referring to in its January 29, 1984 letter as the Ordnance Works Disposal Areas.

MIP believes that any release of solid wastes at the Ordnance Works Disposal Areas is primarily the responsibility of the Department of Defense and its lessees and/or contractors. They are the responsible parties to whom EPA should look for any necessary future corrective measures at the site. In light of the circumstances, MIP has used due care with respect to the one known release of hazardous substances from the Ordnance Works Disposal Areas. MIP does not believe it has any legal liability under Section 107 of CERCLA for any response action which EPA might take to further cleanup the Ordnance Works Disposal Areas. Therefore, it declines to undertake any further site cleanup.

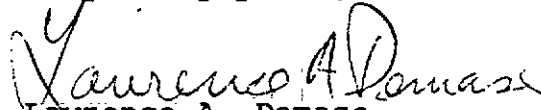
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Any further contact with regard to this matter should
be directed to the undersigned.

Very truly yours,


Lawrence A. Demase
Attorney for Morgantown
Industrial Park, Inc.

LAD:sah

cc: Mark DiFeliciano
Hon. Robert Byrd

AR200371